

## REMARKS/ARGUMENTS

Claims 1-9 are in the application.

Claims 1-5 and 7-9 have been rejected under 35 U.S.C. § 102(b) as anticipated by Plassche Jr. and by Gaba. Claim 6 has been rejected under 35 U.S.C. § 103 as obvious over Plassche Jr. or Gaba in view of Purdy. Claim 1, the only independent claim in the application, has have been amended to distinguish over the cited art.

Plassche and Gaba are superficially similar to the present invention but differ in that both employ biasing devices in the form of springs which constrain and urge their retention devices against the needle. Both Plassche and Gaba disclose a system comprising a lever or latch constrained by a spring against the shank of the needle, or by way of a spring that is tensioned until the shank of the needle is drawn, which then permits the spring to push the lever or the latch in order to block the skin-puncturing end of the needle inside the cage.

Referring to Fig. 15 of Plassche, it is seen that there is a leaf spring 116 which urges the retention device 106 to exert a force against the needle in a direction transverse to its axis. This force cuses friction which can inteference with insertion and removal of the needle, and can even bend or otherwise deform the needle. Plassche depends on the force of the spring 116 to urge the retention member 106 to pivot around the pin 108 for blocking the needle once it is withdrawn.

As can be seen in Fig. 10 of Gaba, a wheel 264 is urged by a coil spring 260 against an end of the retention device which pivots to block the needle once it is withdrawn. Like Plassche, Gaba exerts a frictional force against the shank of the needle transverse to its axis which can also deform or bend the needle.

The present invention avoids the use of springs to bias the retention device 6 against, or otherwise constrain, the needle. As can be seen in Fig. 2, before the needle is withdrawn, the end 6b of the retention device 6 rests over the needle without exerting any significant pressure on it. There is no spring or other device biasing the end 6b of the retention device against the needle or otherwise constraining the needle.

Thus, there is no friction caused by urging an end of a lever or latch against the shank of the needle, which friction would require extra effort to insert the needle and then to free the cage as taught by Gaba.

Nor is there is any friction from, or retention by, a lever trapped in a recess of the catheter as taught by Plassche, which friction or retention would require extra effort to free the cage from the catheter when the needle is removed.

Instead, according to applicant's invention, when the needle is withdrawn, the dog 6a is lifted and released from the rim 12 of the base 2 thereby causing the end 6b to move downwardly until the tongue 6d is captured under the lateral wall of the cage 5, thereby

preventing the retention device from rotating out of its needle-blocking position.

Thus it is seen that applicant's retention device is moved from an initial position which passes the needle to a blocking position after the needle is withdrawn, without the use of any springs or other biasing or constraining devices.

In order to more clearly distinguish from the cited art, claim 1 has been amended to state that the retention arm device is mounted to tilt unconstrained in the cage.

In view of the above, it is respectfully submitted that claim 1 is now patentable over Plassche and Gaba. Since claims 2-9 depend from claim 1 they are also considered to be patentable for the same reasons advanced with respect to claim 1.

Although claims 1-5 and 7-9 have been rejected over Gaba under 35 USC 102(b), the examiner has cited a secondary reference, namely Purdy, in support of the rejection. Since an anticipation cannot be found by combining the teachings of two references, withdrawal of the Section 102(b) rejection over Gaba is respectfully requested on the separate ground that there can be no anticipation over two references.

Purdy, the only other cited reference does not teach the use of an unbiased retention device as disclosed and claimed by applicant.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Early and favorable action is earnestly solicited.

An unpaid fee required to keep this case alive may be charged to deposit account 06-0735.

Respectfully Submitted,

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